

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**CRANDALL JAMES**

**PLAINTIFF**

**v.**

**No. 4:22CV94-GHD-JMV**

**SUNFLOWER CO. SHERIFF'S DEPT., ET AL.**

**DEFENDANTS**

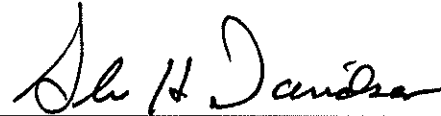
**ORDER REQUIRING PLAINTIFF TO NAME  
VALID DEFENDANT WITHIN 21 DAYS**

The plaintiff in this case has named only the Sunflower County Sheriff's Department and the Inverness Police Departments as defendants in this case; however, neither entity is a proper defendant in a case proceeding under 42 U.S.C. § 1983. An entity's capacity to be sued must be determined by reference to the law of the state in which the district court sits. Fed. R. Civ. P. 17(b). In Mississippi, "sheriff's departments are not political subdivisions within the meaning of the [Mississippi Tort Claims Act]. Thus, the Sheriff's Department does not enjoy a separate legal existence, apart from [the county in which it is located]." *Brown v. Thompson*, 927 So.2d 733 (Miss. 2006). Similarly, Mississippi jails and prisons are not amenable to civil suit. *Campbell v. Thompson*, 2015 WL 5772535 (S.D. Miss.), *Simmons v. Harrison County Sheriffs Dept.*, 2015 WL 4742381 (S.D. Miss.) The same is true of police departments. *Stewart v. Perry*, No. 107CV1270WJGJMR, 2008 WL 4145216, at \*1 (S.D. Miss. Sept. 4, 2008); Miss. Code Ann. § 21-17-1 (city police department is not a separate legal entity from the city).

As such, the plaintiff must name at least one valid defendant and explain how the defendant participated in the events giving rise to this suit. The deadline for identifying a valid defendant to the court is 21 days from the date of this order. Failure to comply with this order will result in the dismissal of this case without prejudice under Fed. R. Civ. P. 41(b) for failure to prosecute and failure

to comply with an order of the court.

**SO ORDERED**, this, the 30<sup>th</sup> day of August, 2022.

A handwritten signature in black ink, appearing to read "Sh. H. Sanders", written over a horizontal line.

SENIOR JUDGE